

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
<b>Toly Digital Networks, Inc.</b>	)	
for Certificate of Service Authority to Provide	)	Case No. <u>XA-2006-0405</u>
Intrastate Interexchange Telecommunications	)	
Services within the State of Missouri	)	
and for Competitive Classification.	)	

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
AND FOR COMPETITIVE CLASSIFICATION**

Comes now Toly Digital Networks, Inc. ("TDN" Or "Applicant"), by and through counsel, and pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440 RSMo, and 4 CSR 240-2.060 and 4 CSR 240-3.510, files this verified Application requesting that the Missouri Public Service Commission ("Commission") issue an order that:

- (a) grants Applicant certificate of service authority to provide intrastate interexchange telecommunications services, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services;
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420 and 392.361 RSMo., consistent with the Commission's past treatment of other certificated providers of competitive interexchange telecommunications services; and
- (d) approves Applicant's proposed tariff, which will be filed separately at a later date.

In support of its request, Applicant states that:

1. Applicant is a corporation formed and operating under the laws of the State of Florida and is duly authorized to transact business in the State of Missouri. The character of the business performed by Applicant is telecommunications services. A copy of Applicant's Certificate Authority from the Missouri Secretary of State, as required by 4 CSR 240-2.060(1)(C) is attached hereto and incorporated herein by

reference as **Appendix A**. Applicant's principal place of business and toll-free customer service phone numbers are:

13901 U.S. Highway 1, Suite 1  
Juno Beach, Florida 33408  
Toll-Free Customer Service Phone Number: 888-836-8659

2. An officer's verification is attached hereto.

3. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Mary Ann (Garr) Young  
William D. Steinmeier  
WILLIAM D. STEINMEIER, P.C.  
2031 Tower Drive, P.O. Box 104595  
Jefferson City MO 65109  
Tel.: 573-634-8109  
Fax: 573-634-8224  
Email: myoung0654@aol.com  
wds@wdspc.com

Questions concerning Applicant's ongoing operations should be directed to: Mark Suto, 13901 U.S. Highway 1, Suite 1, Juno Beach, Florida 33408. Telephone: 888-836-8659, Fax 561-694-8656, Email mes@tolydigital.com.

4. Questions regarding Applicant's proposed tariff should be directed to Ms. Young.

5. By this Application, Applicant proposes to provide only wholesale long distance services to regulated telecommunications carriers throughout the state of Missouri.

6. Pursuant to 4 CSR 240-3.510(1)(C), Applicant's initial proposed tariff describing Applicant's rules, regulations, services and pricing is being filed separately herewith. The tariff bears a proposed effective date forty-five (45) days after issuance.

7. Applicant requests that the company and all its services proposed herein be classified as competitive. Applicant believes that the highly developed state of the interexchange and local exchange telecommunications services market in Missouri and nationwide ensures that its proposed services will be subject to sufficient competition to warrant a less rigorous degree of regulation.

9. As a new market entrant, Applicant requests streamlined regulatory treatment afforded similarly situated telecommunications carriers in Missouri. Likewise, to the extent the Commission has granted other competitive interexchange carriers waiver of certain of the Commission's rules and regulations, Applicant respectfully requests that it be granted the same waivers.

10. Consistent with the Commission's treatment of other certificated telecommunications companies, Applicant respectfully requests that, pursuant to §392.361.5 and §392.420, RSMo, the following statutes and regulations be waived with respect to its interexchange service offerings:

#### **STATUTES**

§ 392.210.2	--	Uniform System of Accounts
§ 392.240.1	--	Rates-Rentals-Service & Physical Connections
§ 392.270	--	Valuation of Property (Ratemaking)
§ 392.280	--	Depreciation Accounts
§ 392.290	--	Issuance of Securities
§ 392.300.2	--	Acquisition of Stock
§ 392.310	--	Issuance of Stock and Debt
§ 392.320	--	Stock Dividend Payment
§ 392.330	--	Issuance of Securities, Debts and Notes
§ 392.340	--	Reorganization(s)

#### **RULES**

4 CSR 240-10.020	--	Depreciation Fund Income
4 CSR 240-30.040	--	Uniform System of Accounts

11. Applicant will comply fully with all applicable Commission rules except those that are specifically waived by the Commission pursuant to the Company's request herein. To the extent that the Commission may modify its waiver policies, Applicant respectfully reserves the right to amend its waiver requests accordingly.

12. Pursuant to 4 CSR 240-2.060 (1) (K), Applicant states that it does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

13. Pursuant to 4 CSR 240-2.060 (1) (L), Applicant states that no Commission annual report or assessment fees are overdue.

14. Applicant is financially capable of providing the services proposed. Applicant also possesses the technical and managerial expertise and experience necessary to provide the services it proposes to offer at standards that will meet or exceed all service standards established by the Commission.

15. Applicant submits that the public interest will be served by Commission approval of this application because Applicant's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

WHEREFORE, Toly Digital Networks, Inc., respectfully requests that the Commission: (1) grant it certificate of service authority to provide intrastate interexchange telecommunications services within the State of Missouri; (2) grant Applicant and its proposed services competitive status; (3) waive the application of the above-referenced statutes and Commission rules; and (4) approve its proposed initial tariff separately filed herewith.

Respectfully submitted,

/s/Mary A. Young

Mary Ann (Garr) Young, MoBar #27951

William D. Steinmeier, MoBar #25689

WILLIAM D. STEINMEIER, P.C.

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wds@wdspsc.com

ATTORNEYS FOR TOLY DIGITAL  
NETWORKS, INC.

April 14, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Verified Application has been served electronically on the General Counsel's Office and the Office of the Public Counsel this 14th day of April 2006.

/s/ Mary A. Young  
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Mary Ann (Garr) Young

## **APPENDIX A**

### **Secretary of State Certificate**

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

## CERTIFICATE OF AUTHORITY

WHEREAS,

*TOLY DIGITAL NETWORKS, INC.*  
*F00700102*

using in Missouri the name

*TOLY DIGITAL NETWORKS, INC.*

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of Florida.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 23rd day of November, 2005.

  
Secretary of State





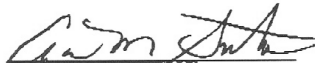
## Verification

VERIFICATION

STATE OF Florida

COUNTY OF Palm Beach

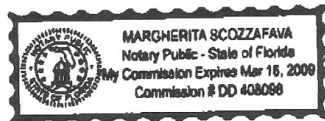
I, Aaron Suto being first duly sworn, state that I am the President of TOLY DIGITAL NETWORKS, INC., Applicant herein; that I am authorized to sign this Verification on Applicant's behalf, that I have reviewed the matters set forth in the Application, and that the statements set forth therein are true to the best of my knowledge and belief.



Name: Aaron Suto

Title: President

Sworn to and subscribed before me this 28 day of February 2006.

  
Notary Public